

**Introduced by Senator Wyland**

February 14, 2011

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An act to amend Section 13823.7 of the Penal Code, relating to evidence.

LEGISLATIVE COUNSEL'S DIGEST

SB 271, as introduced, Wyland. Evidence: rape kit.

Existing law provides a protocol for the examination and treatment of victims of sexual assault or attempted sexual assault, including child molestation, and the collection and preservation of evidence therefrom, including the collection of physical evidence of assault, the collection of other medical specimens, and procedures for the preservation and disposition of physical evidence.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 13823.7 of the Penal Code is amended
- 2 to read:
- 3 13823.7. The protocol adopted pursuant to Section 13823.5
- 4 for the examination and treatment of victims of sexual assault or
- 5 attempted sexual assault, including child molestation, and the
- 6 collection and preservation of evidence therefrom shall include
- 7 provisions for all of the following:
- 8 (a) Notification of injuries and a report of suspected child sexual
- 9 abuse to law enforcement authorities.

- 1 (b) Obtaining consent for the examination, ~~for the treatment of~~  
2 ~~injuries, for the collection of evidence, and for the photographing~~  
3 ~~of injuries.~~
- 4 (c) Taking a patient history of sexual assault and other relevant  
5 medical history.
- 6 (d) Performance of the physical examination for evidence of  
7 sexual assault.
- 8 (e) Collection of physical evidence of assault.
- 9 (f) Collection of other medical specimens.
- 10 (g) Procedures for the preservation and disposition of physical  
11 evidence.